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**Ram Kumar Vs. State of Haryana**

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**SooperKanoon Citation** : sooperkanoon.com/664032

**Court** : Supreme Court of India

**Decided On :** Aug-20-1987

**Reported in** : AIR1987SC2043; JT1987(3)SC357; 1987(1)KLT462(SC); 1987LabIC1890; (1987)IILLJ504SC; 1987(2)SCALE340; 1987Supp(1)SCC582; [1987]3SCR1057; 1987(2)LC644(SC)

**Judge** : M.M. Dutt and; Ranganath Misra, JJ.

**Appeal No.** : Civil Appeal No. 1870 of 1982

**Appellant** : Ram Kumar

**Respondent** : State of Haryana

**Advocate for Def.** : S.C. Mohanta, ; Mahavir Singh and ; C.V. Subba Rao, Advs.

**Advocate for Pet/Ap.** : V.M. Tarkunde and; Prem Malhotra,;Advs

**Prior history** : From the Judgment and Order dated September 2, 1981 of the Punjab and Haryana High Court in R.S.A. No. 1556 of 1980--

**Judgement** :

1. In this appeal by special leave the appellant, a Bus Conductor of the Haryana Roadways, has challenged the validity of the order of termination of his service on the ground of failure of the punishing authority to give any reason for the impugned order in violation of the principles of natural justice.

2. A charge was levelled against the appellant that he did not issue tickets to nine passengers, although he had taken the fare from each of them. A disciplinary proceeding was started against the appellant. The Enquiry Officer, after considering the allegations constituting the charge, the plea of the appellant in defence and the evidence adduced by the parties including the appellant, held that the charge against the appellant was proved. The punishing authority agreed with the findings of the Enquiry Officer and by the impugned order terminated the service of the appellant.

3. Aggrieved, the appellant filed a suit challenging the legality of the order of termination. It was contended by the appellant that as no reason was given in the impugned order, it was illegal and invalid being opposed to the principles of natural justice. The Trial Court overruled the said contention and also held that the Civil Court had no jurisdiction to entertain and try the suit. Accordingly, the Trial Court dismissed the suit.

4. On appeal, the learned Additional District Judge held in disagreement with the Trial Court and, in our opinion, rightly that the Civil Court had jurisdiction to entertain and try the suit. The learned Additional District Judge, however, held that the impugned order was a non-speaking order not containing any reason and, as such, it was invalid. In that view of the matter, the learned Additional Judge allowed the appeal, set aside the judgment of the Trial Court and the impugned order of termination of service of the appellant and decreed the suit.

5. The State of Haryana took the matter to the High Court in a second appeal. The High Court affirmed the finding of the learned Additional District Judge as to the jurisdiction of the Civil Court, but set aside his finding that the impugned order was a non-speaking order. The High Court took the view that the impugned order was quite legal and valid. Upon the said findings, the High Court allowed the appeal and set aside the judgment and decree of the learned Additional District Judge. Hence this appeal by special leave.

6. It has been urged by Mr. Tarkunde, learned Counsel appearing on behalf of the appellant, that the punishing authority has not applied his mind before passing the impugned order, which is apparent from the fact that he had not given any reason

in justification of the impugned order. Counsel submits that non-application of the mind and failure to give any reason by the punishing authority vitiated the impugned order of termination and, accordingly, it should be set aside.

7. It has been pointed out by the High Court that the punishing authority has passed a lengthy order running into seven pages mentioning therein the contents of the charge-sheet, the detailed deposition of the witnesses, as accorded by the Enquiry Officer, and the findings of the Enquiry Officer. The explanation submitted by the appellant has also been reproduced in the impugned order. Thereafter, the punishing authority stated as follows:

I have considered the charge-sheet, the reply filed to the charge-sheet, the statements made during enquiry, the report of the Enquiry Officer, the show cause notice, the reply filed by the delinquent and other papers and that no reason is available to me on the basis of which reliance may not be placed on the report of the Enquiry Officer. Therefore, keeping these circumstances in view, I terminate his service with effect from the date of issue of this order.

8. In view of the contents of the impugned order, it is difficult to say that the punishing authority had not applied his mind to the case before terminating the services of the appellant. The punishing authority has placed reliance upon the report of the Enquiry Officer which means that he has not only agreed with the findings of the Enquiry Officer, but also has accepted the reasons given by him for the findings. In our opinion, when the punishing authority agrees with the findings of the Enquiry Officer and accepts the reasons given by him in support of such findings, it is not necessary for the punishing authority to again discuss evidence and come to the same findings as that of the Enquiry Officer and give the same reasons for the findings. We are unable to accept the contention made on behalf of the appellant that the impugned order of termination is vitiated as it is a non-speaking order and does not contain any reason. When by the impugned order the punishing authority has accepted the findings of the Enquiry Officer and the reason given by him, the question of non-compliance with the principles of natural justice does not arise. It is also incorrect to say that the impugned order is not a speaking order.

9. There is, therefore, no substance in the appeal. The appeal is dismissed. There will, however, be no order as to costs.

10. In view of the fact that it is the first offence of the appellant, who is said to be the father of five minor children and has no other means of livelihood, the respondent may consider the re-employment of the appellant to the post of Conductor or to any other post, to which he may be found to be suitable.

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